

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PLAINTIFFS # 1-21, individually and on
behalf of others similarly situated,

Plaintiff,

-against-

CV-15-2431 (WFK)(LB)

THE COUNTY OF SUFFOLK, et al.

Defendants.

**DECLARATION OF CHIEF DEPUTY COUNTY ATTORNEY CHRISTIANA S.
McSLOY IN SUPPORT OF FINAL APPROVAL OF SETTLEMENT AGREEMENT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 23(e)**

Christiana S. McSloy, an attorney duly admitted to practice before this Court and the Courts of the State of New York, declares the following to be true under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am the Chief Deputy County Attorney in the office of Dennis M. Brown, Acting Suffolk County Attorney, attorney for defendants County of Suffolk, the Suffolk County Police Department, Edward Webber, and Milagros Soto (“County Defendants”). As such, I am fully familiar with the facts and circumstances in this proceeding.

2. On March 28, 2023, the Court granted the Parties’ Joint Motion for Preliminary Approval of Class Action Settlement Agreement, see ECF No. 436 (Court’s Order); ECF No. 431 (Joint Motion for Preliminary Approval), and determined, preliminarily, (1) the Parties’ March 6, 2023 Class Action Settlement Agreement and its terms fall within the range of reasonableness, meriting final approval, (2) the Class Notice and notice procedure described in the Joint Motion for Preliminary Approval of Class Action Settlement Agreement and Approval

of Notice to the Class of Class Action Settlement meet the requirements of Rule 23(e)(1) and due process, (3) individual notice to class members is not feasible under these circumstances, (4) the proposed method, schedule, and form of notice are reasonably calculated, under the circumstances, to apprise the Class Members of their right to object to the proposed Class Action Settlement, and (5) the proposed method, schedule, and form of notice is reasonable and constitutes due, adequate, and sufficient notice to all those entitled to receive notice. See ECF 439 (Scheduling Order).

3. Pursuant to the Court's Order Granting the Parties' Motion for Preliminary Approval of Class Action Settlement Agreement, the Court required that the Parties file with the Court "a certification describing that date(s) and time(s) that notice was provided to the Class and the manner in which it was provided." ECF 436, ¶ 7. The Court scheduled a Fairness Hearing in this matter to be held on Friday, July 14, 2023 before the Honorable William F. Kuntz, II at 12:00 pm. See ECF 439. This notice was intended to convey information about the terms of the settlement agreement and to make class members aware of their opportunity to raise potential objections before the Court at the scheduled Fairness Hearing.

4. Pursuant to the Court's Order, the County Defendants were required to publish the approved Class Notice in Newsday, South Shore Press, and Suffolk News three times in each paper prior to the Fairness Hearing.

5. County Defendants published the approved Class Notice in Newsday, in the Nassau and Suffolk County editions of the newspaper, on Friday, April 14, 2023, Friday April 23, 2023, and Friday, April 28, 2023.

6. Additionally, the County Defendants published the approved Class Notice in South Shore Press on Wednesday, April 5, 2023, Wednesday, April 12, 2023, and Wednesday, April 19, 2023.

7. The County Defendants also published the approved Class Notice in Suffolk News on Thursday, April 6, 2023, Thursday, April 13, 2023, and Thursday, April 20, 2023.

8. Moreover, as per the approved notice procedures, on April 4, 2023, the County Defendants distributed, via electronic mail, copies of the Class Notice in both English and Spanish to the following community groups and legal services organizations in Suffolk County: Nassau Suffolk Law Services, The Suffolk County Assigned Counsel Defender Plan, Legal Aid Society of Suffolk County, SEPA Mujer, Inc., Latina Sisters Support Inc., The Long Island Latino Teachers Association (LILTA), Latina Moms Connect, Inc., Pronto of Long Island, Inc., OLA of Eastern Long Island, and the members of the Suffolk County Hispanic Advisory Board.

9. Additionally, on April 4, 2023, the approved Class Notice was posted at all Suffolk County Police Department precincts in high traffic areas of the lobby, where members of the public were likely to view it. These notices remain present at the precincts as of the writing of this declaration.

10. Furthermore, on April 4, 2023, the below links to the approved class notice in both English and Spanish were posted to the Suffolk County Police Department website at <https://suffolkpd.org/> and the Suffolk County Government website at <https://www.suffolkcountyny.gov/>. These links currently remain active on these websites. A banner on the top of these websites states: “Notice of Proposed Class Action Settlement of Plaintiffs 1-21 v. County of Suffolk, et al., 2:15-cv-02431 (E.D.N.Y.): English | Spanish.” An individual can click on either the word “English,” which will open the approved class notice in

English, or the individual can click on the word “Spanish,” which will open the approved class notice in Spanish. The links are as follows:

<<https://suffolkcountyny.gov/Portals/0/formsdocs/police/2023.04.03%20Plaintiffs%201-21%20-%20Notice%20of%20Proposed%20Class%20Action%20Settlement%20FINAL%20VERSION.pdf>>

<<https://suffolkcountyny.gov/Portals/0/formsdocs/police/Plaintiffs%201-21%20-%20Notice%20of%20Proposed%20Class%20Action%20Settlement%20Spanish%20version%20FINAL.pdf>>

11. Further, the County Defendants published notice on Facebook, specifically on April 5, 2023, the following was posted on the County 311 Facebook Page, in English and Spanish:

Attention Suffolk County Residents, if you are a Latino/a and use the roads of Suffolk County as a motorist or pedestrian, you may be part of a Class Action Settlement. The image below contains the first piece of the Notice of Proposed Class Action Settlement. For the entire document, follow this link: <https://bit.ly/SuffolkNotice>

Atención, residentes del condado de Suffolk: si es latino/a y usa las carreteras del condado de Suffolk como conductor o peatón, puede ser parte de un acuerdo de demanda colectiva. La imagen a continuación contiene la primera parte del Aviso de acuerdo de demanda colectiva propuesto. Para ver el documento completo, siga este enlace: <https://bit.ly/SuffolkNotificacion>

On April 11, 2023, the County Defendants also published links to the approved class notice in both English and Spanish on the Suffolk County Police Department’s Facebook pages. The “Suffolk County Police Department” page displays said links in both English and Spanish, and the “Policía del Condado de Suffolk” page contains the Spanish language version only.

12. In light of the County Defendants' performance of their notice issuance obligations, ECF 436, the distribution of the Notice of Proposed Class Action Settlement to absent Class Members constitutes notice in a "reasonable manner" consistent with Rule 23(e)(1)(B)(i) that has provided to the absent Class Members adequate opportunities to learn about the settlement agreement and raise any objections.

13. As of today's date no Class Member has provided written objections to the proposed Class Action Settlement Agreement.

14. Because the settlement reached in this matter is fair, reasonable, and adequate as detailed in the Parties' briefing of March 6, 2023, ECF 431, and there have been no objections from members of the Class, the County Defendants respectfully submit that this settlement be approved after the Court conducts its Fairness Hearing on July 14, 2023.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: Hauppauge, New York
May 18, 2023

/s/ Christiana S. McSloy
Christiana S. McSloy